

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Tokimori TOMITA, et al.

Application No.: Div. of 08/864,762

Group Art Unit: 3622

Filed:

Examiner: Young, J.

For: SERVICE POINT MANAGEMENT SYSTEM FOR USE IN SALES PROMOTION SERVICES

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☐ Copies of IDS citations.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☐ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office

Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)

- 3a. ☐ The §1.97(e) Statement in Item 5 below is applicable; OR
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
4. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND
- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
- 4b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
5. ☐ Statement under § 1.97(e) *(applicable if Item 3a or Item 4 is checked)*
- (Check either Item 5a or 5b)*
- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☒ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).
- (Check appropriate Items 6a and/or 6b)*
- 6a. ☒ Copies of the publications listed on the attached Form PTO-1449, which were previously cited in prior application Serial No. 08/187,543, filed January 28, 1994, Serial No. 08/864,762, filed May 29, 1997, and Serial No. 09/414,547, filed October 8, 1999, which are relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
- 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or Request for Continued Examination under 37 CFR 1.114.
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR §1.313(c) is filed concurrently herewith or has been granted. A continuation application under 37 CFR § 1.53(d) or Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed _____. (MPEP 609 C(1), Form ¶ 6.49, Rev. 1, Feb. 2000, pp. 600-107)
9. ☐ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office. (See U.S. Patent & Trademark Office's authorization in the Federal Register, Vol. 57, No. 12, January 17, 1992, at page 2031 (Reply to Comment 68).)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
- 9d. ☐ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

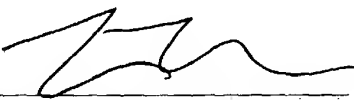
Serial No.: Div. of Serial No. 08/864,762

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement and/or Petition to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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Matthew Q. Ammon
Registration No. 50,346

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

122.1046CD2

APPLICATION NO.

Div. of Serial No.
08/864,762

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

FIRST NAMED INVENTOR

Tokimori TOMITA, et al.

FILING DATE

GROUP ART UNIT

3622

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	4,876,592	10/1989	VON KOHORN			
	AB	4,982,346	01/1991	GIROUARD ET AL.			
	AC	4,746,787	5/1998	SUTO ET AL.			
	AD	5,057,915	10/1991	VON KOHORN			
	AE	5,034,596	7/1991	UTSONOMIYA			
	AF	5,056,019	10/1991	SCHULTZ ET AL.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AG	4-264996	09/1992	JAPAN			
	AH	5-298557	11/1993	JAPAN			
	AI	5-342235	12/1993	JAPAN			
	AJ	6-036143	02/1994	JAPAN			
	AK	6-096096	04/1994	JAPAN			
	AL	61-273663	12/1986	JAPAN			

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AM	"Database Marketing" Article in Catalog Age, May 1988, pp. 85-97 (Author unknown)**
AN	"Vision Value Goes Live Across America", Card Technology Today, July/August 1992, pp. 9-11 (Author Unknown)**

****These references were cited by the Examiner in parent application no. 08/187,543, papers no. 11 & 18, respectively.**

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 122.1046CD2	APPLICATION NO. Divisional of Serial No. 08/864,762
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		FIRST NAMED INVENTOR Tokimori TOMITA, et al.	
		FILING DATE	GROUP ART UNIT 3622

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	BA	4,361,903	11/1982	OHTA			
	BB	4,882,724	11/1989	VELA ET AL.			
	BC	4,972,504	11/20/90	DANIEL JR., ET AL.			
	BD	5,117,355	05/1992	MCCARTHY			
	BE	5,250,789	10/1993	JOHNSEN			
	BF	5,264,822	11/1993	VOGELMEN ET AL.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	BG	92-14213	08/1992	PCT			
	BH	94-09454	04/1994	PCT			
	BI	05020341 A	01/1993	JAPAN			
	BJ	01102694 A	04/1989	JAPAN			
	BK	2-111888	09/1990	JAPAN			
	BL	03110699	05/1991	JAPAN			

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	BM	Gallagher, J.-St. Louis Dispatch, pE1, 12/19/99- "you Can Lose a Chunk of Your Return to Taxes"
	BN	Hubbard C. - Atlanta Business Chronicle, v21, n25, pA8, 11/27/98- "Sara Lee Kicks off Toz Concept at North Point Mall"
	BO	

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTORNEY DOCKET NO. 122.1046CD2	APPLICATION NO. Divisional of Serial No. 08/864,762
	FIRST NAMED INVENTOR Tokimori TOMITA, et al.	
	FILING DATE	GROUP ART UNIT 3622

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	CA	4,292,508	09/1981	RUDD			
	CB	4,949,256	08/1990	HUMBLE			
	CC	4,973,952	11/1990	MALEC ET AL.			
	CD	5,025,372	06/1991	BURTON ET AL.			
	CE	5,287,266	02/1994	MALEC ET AL.			
	CF	5,295,064	03/1994	MALEC ET AL.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	CG	04315294 A	11/1992	JAPAN			
	CH	2-501237	04/1990	JAPAN			
	CI	63-40995	02/1988	JAPAN			
	CJ	1-99197	04/1989	JAPAN			
	CK	04290194 A	10/1992	JAPAN			
	CL	03-142698	06/1991	JAPAN			
	CM	05067274	03/1993	JAPAN			

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	CN	Fischman, "Dahl's Store is Testing Frequent Shopper Plan", Supermarket News; v 39 n.8; p.9(1), Sept. 18, 1989; Dialog
	CO	Thayer, "Database Marketing Demystified", Progressive Grocer, v68 n11, p. 21(6), Nov.. 1989; Dialog; File 148, Acc#04150369
	CP	Johnson, "Loyalty Programs Flag: Citicorp, Catalina Pull Plug on Supermarket Tests, Advanced Promotion Tech: Continues to Test Vision Value Club Supermarket Frequent-Shopper Club"; Advertising Age; June 17, 1991; p. 32; Dialog: File 16, Acc#03200380
	CQ	"Smart Card Supermarket Program Testing Consumer Promotions", Card News; v7 n8; p7(2); April 20, 1992; Dialog; File 148, Acc#05929981

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	EA	5,937,391	8/1999	IKEDA ET AL.			
	EB	4,885,685	12/1989	WOLFBERG ET AL.			
	EC	4,914,090	7/1990	MCCARTHY			
	ED	4,723,212	2/1988	MINDRUM ET AL.			
	EE	4,554,446	11/1985	MURPHY ET AL.			
	EF	4,910,672	3/1990	OFF ET AL.			
	EG	5,233,514	8/1993	AYYOUBI ET AL.			
	EH	5,053,955	10/1991	PEACH ET AL.			
	EI	4,750,119	6/1988	COHEN ET AL.			
	EJ	5,245,533	9/1993	MARSHALL			
	EK	5,483,444	1/1996	HEINTZEMAN ET AL.			
	EL	5,144,115	9/1992	YOSHIDA			

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	EM	
	EN	
	EO	

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